

TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE



FISCAL MEMORANDUM

SB 1760 - HB 1929

March 13, 2016

SUMMARY OF ORIGINAL BILL: Grants immunity from civil liability for any member of the Tennessee National Guard who exercises self-defense as permitted in Tenn. Code Ann. § 39-11-611, including the discharge of a personally-owned firearm. Requires the Attorney General and Reporter's Office to represent and defend any guard member if all of the following apply: the member at the time of use of force is on duty or in uniform; the use of force includes the discharge of a personally-owned firearm for which a valid handgun carry permit is issued; the member is authorized by the Military Department to carry a personally-owned handgun while on-duty or in uniform.

FISCAL IMPACT OF ORIGINAL BILL:

NOT SIGNIFICANT

SUMMARY OF AMENDMENT (013711): Deletes and rewrites the bill such that the only substantive change is to establish that if the Attorney General and Reporter's Office determines that the use of force by the member of the Tennessee National Guard was not justified and thereby declines to provide legal counsel, a court, having found such force to be justified, may reward such member reimbursement for reasonable attorney's fees, court costs, compensation for loss of income, and other expenses.

FISCAL IMPACT OF BILL WITH PROPOSED AMENDMENT:

Unchanged from the original fiscal note.

Assumptions for the bill as amended:

- This legislation will have no effect on the Tennessee Department of Military.
- The number of additional cases accepted by the Attorney General is assumed to be few, if any.
- According to the Attorney General and Reporter's Office, any increase in the workload of the Office can be completed utilizing existing staff during normal work hours.
- It is assumed that if the Attorney General and Reporter's Office determines that a member was not justified in using force, courts will come to a similar decision based on similar facts and assertions provided and used by the Attorney General and Reporter's Office to make such determination.

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CERTIFICATION:

The information contained herein is true and correct to the best of my knowledge.

A handwritten signature in dark ink that reads "Krista M. Lee". The signature is written in a cursive, flowing style.

Krista M. Lee, Executive Director

/jdb